



THE IZAAK WALTON LEAGUE OF AMERICA

November 8, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Water Docket, Mailcode: 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Chesapeake Bay TMDL- Docket no. EPA-R03-OW-2010-0736

Dear Administrator Jackson:

Thank you for the opportunity to provide comments on the Draft Chesapeake Bay Total Maximum Daily Load (TMDL). The Izaak Walton League strongly supports the U.S. Environmental Protection Agency (EPA) in taking a lead role in restoring the Chesapeake Bay through the TMDL process. In addition to the comments below, the League fully supports the detailed comments submitted by the Choose Clean Water Coalition.

Investments of time and money by government agencies, conservation organizations and other private entities over the past twenty-five years have moderately improved water quality in the Chesapeake Bay, but have fallen far short of meeting pollution reduction goals. As of 2009, these voluntary efforts to restore the Bay only met 24 percent of the water quality goals set in the Chesapeake 2000 agreement. At the current pace of voluntary programs, the nutrient reductions needed to restore the Bay would not be met until 2050.

Clearly, it is time to move beyond a purely voluntary approach to a more comprehensive effort that includes enforceable, Bay-wide pollution reduction standards. The Clean Water Act, three major Bay Agreements, three consent decrees, dozens of Memoranda of Agreement/Understanding, and a Presidential Executive Order all require development of a Bay-wide TMDL. Moreover, EPA has used its clear legal authority wisely. The public process of developing the TMDL has been highly transparent and provides states ample opportunity to prepare and revise draft Watershed Implementation Plans. In addition, the agency is seeking to implement pollution load allocations that are substantially equivalent to those the states have had since 2003.

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Although the League supports implementation of the TMDL, we urge EPA not to use water quality trading to meet pollution reduction targets unless the following conditions are met:

- Water quality will not be degraded within any watershed.
- Water quality monitoring (not simply modeling) is used to verify load reductions from all point and nonpoint sources of pollution used as credits, including those that involve agriculture and forestry operations.
- Compliance and enforcement provisions are stringent and include record keeping, monitoring, reporting, inspections, and public input.

Again, we appreciate the opportunity to comment on the Draft Chesapeake Bay TMDL. We commend EPA for taking a leadership role in Chesapeake Bay restoration and encourage the agency to incorporate our suggestions into the final TMDL. We are optimistic that implementation of the TMDL will achieve pollution reduction targets for the Chesapeake Bay.

Sincerely,

A handwritten signature in cursive script that reads "Leah Miller".

Leah Miller
Clean Water Program Director